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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,520

04/08/2004

John M. Harris

CE11494R

8304

22917 7590 09/19/2008  
MOTOROLA, INC.  
1303 EAST ALGONQUIN ROAD  
IL01/3RD  
SCHAUMBURG, IL 60196

EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

09/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,520	<b>Applicant(s)</b> HARRIS ET AL.	
	<b>Examiner</b> JOHN J. LEE	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/8/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claims 1 and 6 objected to because of the following informalities: the limitation "will make" is not acceptable because it is future tense. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Regarding **claim 8**, the phrase "**for example**" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-7, 9-14, and 18-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen et al. (US patent number 6,904,288) in view of Bennett et al. (US 2004/0077358).

Regarding **claim 1**, Rosen teaches that subsequent to initiation of a push-to-talk wireless communication for a talk group (Fig. 1 and column 3, lines 43 – column 4, lines 52, where teaches the communication device requests push-to-talk to administrative operation server, and the server determines whether grant or not, if the server allow to push-to-talk, initiates of push-to-talk communication). Rosen teaches that automatically considering at least one possible subsequent push-to-talk communication need of the talk group to provide at least one corresponding determination (column 3, lines 63 – column 4, lines 51 and Fig. 1, 2, where teaches the arbitration schemes may evaluate factors such that the number of unsuccessful attempts to gain transmission privilege, the length of time a net number has held transmission privilege, or other factors, in automatically determining whether a requesting net member is granted the transmission privilege). Rosen teaches that automatically identifying a network location to support talker arbitration for the push-to-talk communication needs of the talk group as a function, at least in part, of the corresponding determination (column 5, lines 33 – column 6, lines 36

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and Fig. 1, 2, where teaches communication management server maintains one or more databases for managing information pertaining to individual net members as well as to each defined net with net identifier, location).

Rosen does not specifically disclose the limitation “make talker arbitration decisions for push-to-talk communication”. However, Bennett teaches the limitation “make talker arbitration decisions (user arbitration decision based on the position received from server) for push-to-talk communication” (Fig. 3 and pages 2, paragraphs 18-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rosen’s system as taught by Bennett, provide the motivation to improve distributing arbitration in a push-to-talk communication system.

Regarding **claim 2**, Rosen teaches that the talk group comprises a first mobile station and a second mobile station (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the talk group comprises first mobile, second mobile, a plurality mobile stations).

Regarding **claim 3**, Rosen teaches that the talk group further comprises at least a third mobile station (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the talk group comprises first mobile, second mobile, a plurality mobile stations).

Regarding **claim 4**, Rosen teaches that subsequent to initiation of a push-to-talk wireless communication for a talk group further comprises at least partially during a time when an active wireless channel is allocated to support the push-to-talk wireless communication (Fig. 1, 2 and column 3, lines 43 – column 4, lines 39, where teaches the transmission privilege (channel) is granted or denied to a requesting net member,

depending on whether or not the transmission privilege is currently assigned to another net member when the request is received, and the process of granting and denying transmission requests is known arbitration that schemes evaluate factors).

Regarding **claim 5**, Rosen teaches that automatically considering at least one possible subsequent push-to-talk communication need of the talk group further comprises automatically identifying at least one target mobile station to whom a present push-to-talk wireless communication is directed (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the communication management server managing and identifies the information to individual net members such that user name, account number, a telephone number, a mobile identification number assigned to the communication device, priority code and whom a request to talk currently).

Regarding **claim 6**, Rosen and Bennett teach all the limitation, as discussed in claim 1. Furthermore, Rosen further teaches that identifying the target mobile station as the network location to support talker arbitration for the push-to-talk communication needs of the talk group (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches evaluating and identifying the priority mobile station as the network location with identification for providing arbitration for push-to-talk communication).

Regarding **claim 7**, Rosen and Bennett teach all the limitation, as discussed in claim 1. Furthermore, Rosen further teaches that automatically considering at least one item of context information regarding the talk group (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the communication management server managing and identifies the information to individual net members such that user name, account

number, a telephone number, a mobile identification number assigned to the communication device, priority code and whom a request to talk currently).

Regarding **claim 9**, Rosen and Bennett teach all the limitation, as discussed in claim 1. Furthermore, Rosen further teaches that identifying a mobile station that comprises a member of the talk group (Fig. 1, 2 and column 5, lines 33 – column 6, lines 36, where teaches the communication management server managing and identifies the information to individual net members).

Regarding **claim 10**, Rosen and Bennett teach all the limitation, as discussed in claim 1. Furthermore, Rosen further teaches that identifying a network server (column 5, lines 33 – column 6, lines 36 and Fig. 1, 2, where teaches communication management server maintains one or more databases for managing information pertaining to individual net members as well as to each defined net with net (network server) identifier, location).

Regarding **claim 11**, Rosen and Bennett teach all the limitation, as discussed in claim 1. Furthermore, Rosen further teaches that automatically assigning the network location to support talker arbitration for the talk group (Fig. 1, 2 and column 3, lines 43 – column 4, lines 39, where teaches the transmission privilege (channel) is granted or denied to a requesting net member, depending on whether or not the transmission privilege is currently assigned to another net member when the request is received, and the process of granting and denying transmission requests is known arbitration that schemes evaluate factors).

Regarding **claim 12**, Rosen and Bennett teach all the limitation, as discussed in claims 1 and 11. Furthermore, Rosen further teaches that transmitting at least one explicit

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message to the network location to indicate assignment of talker arbitration to the network location (column 5, lines 11 – column 6, lines 35 and Fig. 1, 2, where teaches when communication management server receives a transmission privilege request, the communication management server transmits a message to the requesting net member, notifying it that the transmission privilege has been granted).

Regarding **claim 13**, Rosen and Bennett teach all the limitation, as discussed in claims 1 and 11. Furthermore, Rosen further teaches that transmitting a signal to the network location to indicate assignment of talker arbitration to the network location (column 5, lines 11 – column 6, lines 35 and Fig. 1, 2, where teaches when communication management server receives a transmission privilege request, the communication management server transmits a message to the requesting net member, notifying it that the transmission privilege has been granted).

Regarding **claim 14**, Rosen and Bennett teach all the limitation, as discussed in claims 1 and 11. Furthermore, Rosen further teaches that intentionally delaying automatically assigning the network location to support talker arbitration for the talk group (column 11, lines 48 – 67, Fig. 3, and column 8, lines 25 – 61, where teaches an unnecessary delay is experienced in re-establishing the talker's traffic channel).

Regarding **claim 18**, Rosen and Bennett teach all the limitation, as discussed in claim 1. Furthermore, Rosen further teaches that activating talker arbitration capability for the talk group (column 3, lines 43 – column 4, lines 52 and Fig. 1, where teaches activation the push-to-talk arbitration). Rosen does not specifically disclose the limitation “make talker arbitration decisions for talk group to one of a different location and



different device within a push-to-talk wireless communication”. However, Bennett teaches the limitation “make talker arbitration decisions (user arbitration decision based on the position received from server) for talk group to one of a different location and different device (different position and other mobile devices) within a push-to-talk wireless communication” (Fig. 1, 3 and pages 2, paragraphs 18-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rosen’s system as taught by Bennett, provide the motivation to improve distributing arbitration in a push-to-talk communication system.

Regarding **claim 19**, Rosen and Bennett teach all the limitation, as discussed in claims 1 and 18. Furthermore, Rosen further teaches that activating talker arbitration capability in response to receiving at least a first predetermined signal (column 3, lines 43 – column 4, lines 52 and Fig. 1, where teaches activation the push-to-talk arbitration in response to receiving request signal (predetermined signal)).

Regarding **claim 20**, Rosen and Bennett teach all the limitation, as discussed in claims 18 and 19. Furthermore, Rosen further teaches that receiving an explicit instruction to activate the talker arbitration capability (column 4, lines 19 – column 5, lines 54 and Fig. 1, 2, where teaches activation the push-to-talk arbitration in response to receiving a request signal (predetermined signal) that is transmission privilege request).

Regarding **claim 21**, Rosen and Bennett teach all the limitation, as discussed in claims 18 and 20. Furthermore, Rosen further teaches that receiving an end-of-transmission signal (column 6, lines 47 – column 7, lines 37 and Fig. 1, 2, where teaches the end-point connectivity request and notify the message).

Regarding **claim 22**, Rosen and Bennett teach all the limitation, as discussed in claims 18 and 21. Furthermore, Rosen further teaches that deactivating the talker arbitration capability (column 6, lines 47 – column 7, lines 37 and Fig. 2, 3, where teaches the push-to-talk releases the arbitration between conflicting request, floor control).

Regarding **claim 23**, Rosen and Bennett teach all the limitation, as discussed in claims 1 and 18. Furthermore, Rosen further teaches that a processing platform (204 in Fig. 2). Rosen teaches that at least a first memory having push-to-talk talker arbitration instructions stored therein (column 16, lines 6 –32, Fig. 2, 7, and column 5, lines 55 – column 6, lines 2, where teaches storing in database of mobile station for a service configuration message (arbitration instruction)).

Regarding **claim 24**, Rosen and Bennett teach all the limitation, as discussed in claims 18 and 19. Furthermore, Rosen further teaches that means for activating the push-to-talk talker arbitration instructions in response to detection of at least a first predetermined condition (column 3, lines 43 – column 4, lines 52 and Fig. 1, where teaches activation the push-to-talk arbitration in response to receiving request signal (predetermined condition)).

Regarding **claim 25**, Rosen and Bennett teach all the limitation, as discussed in claims 23 and 24. Furthermore, Rosen further teaches that means for using the push-to-talk talker arbitration instructions to arbitrate at least one push-to-talk communication for a talk group that includes the wireless push-to-talk mobile station (column 9, lines 28 – column 10, lines 61, where teaches activation the push-to-talk arbitration in response to

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receiving request signal (predetermined condition) from talk group that includes wireless mobile station).

*Allowable Subject Matter*

7. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “intentionally delaying automatically assigning the network location to support talker arbitration for the talk group further comprises intentionally delaying, for at least a predetermined period of time, automatically assigning the network location to support talker arbitration for the talk group” as specified in the claims.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or P.O. Box 1450  
Alexandria VA 22313

or faxed (703) 308-9051, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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J.L  
September 14, 2008

John J Lee

/JOHN J LEE/  
Primary Examiner, Art Unit 2618